

James Mumford, *Ethics at the Beginning of Life: A Phenomenological Critique*.  
Oxford: Oxford University Press, 2013, 240+ pp.

In this work, emerging from his Oxford doctoral thesis, James Mumford offers a phenomenology of human origins. He seeks to give an account of the ethical implications of the fact that human beings, unlike Aphrodite or Adam, do not appear fully-formed, but are *born*. For Mumford, “phenomenology helps us to get at “nature,” suggesting why certain ways of thinking about human emergence and treating nascent human life have not come to terms with the reality of the world” (xvi).

Drawing on Merleau-Ponty’s phenomenology of the body, Mumford attends to the way in which human persons *are* human bodies, always emerging from the body of another. He emphasizes the state of hiddenness in which what he calls the “newone” emerges, eliciting a sense of maternal “doubling” or “splitting,” which amounts to a kind of coexistence. He goes on to probe Martin Buber’s approach to ethics, for which the ideal of encounter between ‘I’ and ‘Thou’ depends on a kind of commensurability as well as otherness. “Genuine meeting for Buber is characterized by mutuality or reciprocity” (39). Pregnant experience shows the limits of the ethics of encounter, because there is no reciprocity here; it is heavily asymmetrical.

For Mumford, the problem with Buberian ethics, especially as taken up by Karl Barth, is that it “idealizes” interpersonal encounter. As he sees it, this idealization makes pregnant experience less than fully personal. For Mumford, ethics is at bottom the question of what is permitted, and Barthian ethics fails, in his view, because it can offer no prohibition on abortion.

No doubt there are problems with Barth's use of Buber. It is not clear, however, why Mumford focuses on making a case against him. Barth seems a strange opponent to pick in this debate: Mumford does not cite any arguments in favor of abortion based on the ethics of encounter, and he seems willfully to misread Barth. Because he does so, he neglects to show what we might learn from him, and from Buber, in this debate. The I-Thou encounter is not the prerequisite condition for a rule-based ethics, but the *goal* of an ethics of response. After all, there are millions of others with whom I am in asymmetrical relationship or no relationship at all. This does not precipitate any claim for their ethical status—and it certainly does not legitimize killing them.

It might be argued that ethics must, in the end, offer prescriptions, and that Barthian ethics falls short of that goal—but Mumford doesn't make such an argument. He takes it as read that ethics is about determining what courses of action are permissible (making no mention of ethical approaches that would insist that the question is *not* what is permissible, but what is *best*) and reproaches Barth for failing to fulfill this goal. Yet, he seems to miss the promise of Buberian ethics for an understanding of pregnancy, which is precisely that, recognizing this indeterminate *something* as a potential "Thou" and not simply an "it," the passage of time brings the unborn's concretion into an infant "Thou," and grants entry into a growing degree of reciprocity.

Mumford then presents the case against a procedural liberalism based on negative freedom and unencumbered relationships expressed in contract form, beginning with its roots in Locke and Hobbes. Here his critique of the modern form of subjectivity, and the alternative presented by phenomenology, is more convincing. Mumford shows how Locke's vision, though seeming to acknowledge human beings' natural sociality, in fact reconfigures society as the sum of individuals, whose private interests must be enshrined and prioritized. Mumford's analysis of Locke's transformation of Hobbes' work, which refuses the primacy of the political, disguising the exercise of power as economics, is searching.

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A phenomenological approach to human becoming, shows Mumford, reveals the priority of “being-with,” of kinship—a fact neglected by Heidegger. Though he wants to refuse the priority of reciprocity, he rightly insists on human being as dependent, as being-in-relation. He addresses the asymmetry between *self* and *other* and the complex reality at the root of disputes about abortion: that the development of subjectivity takes time, and offers no clear demarcation between pre-personal and personal phases to match our ethical distinction between persons and non-persons.

But for Mumford, ethics *must* always draw a line between those who “count” for ethical consideration and those who do not; since human beings do not come into the world fully-formed, recognition cannot be granted on the basis of adherence to an adult human ideal. Because of his conception of ethics, Mumford must refuse the claim that there are other ways to construct an ethics beyond the ascription of rights and privileges to an “in group.” Behind this lie some troubling assumptions, for though he is asking here about the right to life, Mumford clearly calls into question the language of rights. This project seems to put the question “Who am I allowed to kill?” at the heart of ethics. The answer is “Not an unborn child,” though, in the fifth chapter, Mumford endorses justifications of the use of force in other situations. Accepting that the use of force may be permissible in response to physical attack, he opposes Judith Jarvis Thomson’s classic defense of abortion (through the analogy of the unconscious violinist), arguing that pregnancy cannot rightly be conceived as an attack, that there is a difference between pregnancy and the kind of parasitism that Thomson’s analogy depends on.

On Mumford’s reasoning, pregnancy either necessarily constitutes an attack or it never does. The subsequent logic—which argues that, since in some cases pregnancy is not experienced as an attack, then in no case is it an attack—is flawed. In phenomenological terms, the “essence” of pregnancy would need to be established by eidetic variation, and it seems clear that pregnancy still counts as pregnancy, whether experienced as attack or not. There is an imaginative deficit here on Mumford’s part, and his unwillingness to take seriously the predicament of those for whom pregnancy *is* experienced as attack leaves him

entrenched in what seems to be the position that motivated this research from the beginning, and thus unable to move beyond a conception of ethics as the determination of universal rules. Phenomenology, though it succeeds to some extent in getting behind particular perspectives on things, cannot escape the general fact of perspective, cannot remove the fact that phenomena are experienced within the context of a life.

It is clear that Mumford's phenomenology of pregnancy is bound up with his perspective—a perspective that is marked by various kinds of privilege. Though he claims to be seeking a first-person account of pregnancy, he does so from a position which is necessarily removed from pregnant experience, and far removed from that of many who seek abortion as a consequence of the desperation of grinding poverty or social marginalization. Mumford acknowledges that any phenomenological description of human emergence must be committed to describing the phenomenon from the perspective of the mother," (xii) but at times he sounds as though he thinks phenomenology gives him access to such a perspective. For Mumford, no ethical vision of the good can abrogate the absolute prohibition on abortion—ethics remains a matter of what is permissible. It can thus pay no heed to the first-person perspective of a woman who finds herself dealing with an unwanted pregnancy, can offer her no comfort or counsel but only a rule to be followed. This seems to fall short of the task of a Christian theological ethics, and remains deeply patriarchal.

In the short, final chapter, Mumford develops a positive theological account of human rights based on Gregory of Nazianzus' 14th Oration, "On the Love of the Poor," in which Gregory appeals to his congregation to recognize the image of God in the poor of the city during an outbreak of leprosy. For Gregory, the church is to include those whom society has excluded, on the basis that they are bearers of the *imago Dei*—not as possessors of certain capacities, but simply as individual humans. For Mumford, as for many of us, this *must* include the unborn.

He does not deal with the difficult questions that arise from practical opposition to abortion: the consequences of the unavailability of safe and legal

abortion are deeply worrying; both the physical risks and the lack of appropriate medical advice and support involved for those who seek illegal abortions, or who travel abroad to obtain a legal one; and the social and human cost of children born unwanted to parents who may be ill-equipped to provide for them. Easily available abortion may well not be the right solution to unwanted pregnancy, but a humane Christian ethics, if it is to achieve anything, will need, like Jesus himself did, to propose a better way, rather than offering absolute prohibitions from a distance.

This book displays a capacious intelligence at work and will no doubt find an enthusiastic readership. Mumford's impressively wide-ranging engagement of the issues offers a significant contribution to the abortion debate, as well as a pioneering investigation at the intersection of phenomenology, ethics, and theology. To this reader, it is disappointing that Mumford does not carry his argument forward on the basis of phenomenological insights (the inaccessibility of foetal experience, the fact that my body always precedes me) into a contextually sensitive ethics, but retreats to a dogmatic premise and a prescriptive ethics. The matter in hand for Mumford is one of wide public debate, and one in which actual human outcomes depend on shared public reasoning far more than they do on the views of individuals or religious groups; it is also a matter in which shared ground between the proponents of liberal thinking and their religious opponents is sorely lacking. Sadly, this book does not contribute to that need.

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